

MORRISON & FOERSTER LLP  
MICHAEL A. JACOBS (Bar No. 111664)  
mjacobs@mofo.com  
KENNETH A. KUWAYTI (Bar No. 145384)  
kkuwayti@mofo.com  
MARC DAVID PETERS (Bar No. 211725)  
mdpeters@mofo.com  
DANIEL P. MUINO (Bar No. 209624)  
dmuino@mofo.com  
755 Page Mill Road, Palo Alto, CA 94304-1018  
Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

BOIES, SCHILLER & FLEXNER LLP  
DAVID BOIES (Admitted *Pro Hac Vice*)  
dboies@bsflp.com  
333 Main Street, Armonk, NY 10504  
Telephone: (914) 749-8200 / Facsimile: (914) 749-8300  
STEVEN C. HOLTZMAN (Bar No. 144177)  
sholtzman@bsflp.com  
1999 Harrison St., Suite 900, Oakland, CA 94612  
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460

ORACLE CORPORATION  
DORIAN DALEY (Bar No. 129049)  
dorian.daley@oracle.com  
DEBORAH K. MILLER (Bar No. 95527)  
deborah.miller@oracle.com  
MATTHEW M. SARBORARIA (Bar No. 211600)  
matthew.sarboraria@oracle.com  
500 Oracle Parkway, Redwood City, CA 94065  
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**ORACLE'S RESPONSE TO  
REQUEST FOR PROPOSED  
FINDINGS**

Dept.: Courtroom 8, 19th Floor  
Judge: Honorable William H. Alsup

1 Oracle submits the following proposed findings relating to the issue of the  
2 copyrightability of the selection, organization, and structure of the API specifications and  
3 associated implementations in class libraries for the 37 packages at issue in this case (collectively  
4 “APIs”). (See ECF No. 877).

5 **Proposed Findings**

- 6 1. The APIs include thousands of individual elements, organized into packages,  
7 classes, interfaces, exceptions, constructors, methods, and fields. There is an  
8 intricate relationship of hierarchies and dependencies among elements within and  
9 across packages.
  - 10 2. The detailed selection, organization, and structure in the API specifications is  
11 mirrored in the source code and object code implementation in the Java class  
12 libraries.
  - 13 3. The APIs represent years of creative design. The selection, organization, and  
14 structure of the elements and names in the APIs are each highly original and  
15 creative.
  - 16 4. Oracle had many choices for what elements and names to include in the APIs.  
17 Other than a few classes, Oracle was not required to include any particular element  
18 or name.
  - 19 5. There were many different ways to organize and structure the APIs.
  - 20 6. A primary purpose of the selection, organization, and structure of the APIs is to  
21 make them more comprehensible and easier to use for programmers.
  - 22 7. The selection, organization, and structure of the APIs is the detailed expression of  
23 an idea, not an idea itself. An idea for an API package may be to have a library of  
24 pre-written computer code relevant to the area of programming to which the  
25 package relates.
  - 26 8. That selection, organization, and structure is not commonplace, and was not an  
27 indispensable or standard way of expressing any idea.
- 28

1           9. Other than a few classes, Google was not required to copy the selection,  
2           organization, and structure of the APIs to be compatible with the Java  
3           programming language.

4           10. It was not technically necessary for Google to copy the APIs. Google designed  
5           many of its own APIs for Android.

6           11. Android is not compatible with Java. Many programs written for one will not run  
7           on the other.

8           12. The specifications and implementations of the APIs are not a method of operation  
9           or system.

10  
11       Dated: April 12, 2012

MORRISON & FOERSTER LLP

12       By: /s/ Michael A. Jacobs

13                       *Attorneys for Plaintiff*  
14                       ORACLE AMERICA, INC.